



NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 4300.1C

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Request Notification of Change (NASA Only)

Subject: NASA Personal Property Disposal Procedural Requirements

Responsible Office: Logistics Management Division

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Appendix C. Special Handling Guidelines for Export Controlled Property

From Space Shuttle Transition Working Group White Paper. Subject: Export Control Classification and Special Handling Requirements for Space Shuttle Property Disposition. Prepared by NASA Office of Infrastructure, dated October 8, 2009.

A. Export Control

The export-control jurisdiction of a piece of hardware or item is a data point that affects NASA options for disposal of the item when it is no longer needed. The Arms Export Control Act (22 U.S.C. § 2778(a) and § 2794(7)) gives the President of the United States authority to designate which articles and services are deemed to be defense articles or defense services. The International Traffic in Arms Regulations (ITAR) (22 C.F.R. 120-130) regulate the export and import of defense articles and defense services. Items designated as defense articles or services make up the United States Munitions List (USML) and are described in 22 C.F.R. 121. Designations to the USML are made by the Department of State (DoS), with the concurrence of the Department of Defense (DoD), and Congressional notification is required at least 30 calendar days' notice before any item is removed from the USML.

Items that are controlled under the ITAR should be documented as such; transfer of an ITAR-controlled item to a foreign person will require export authority from the DoS Directorate of Defense Trade Controls. Transfer of an ITAR item to a U.S. person will include notice of the export jurisdiction. Items that are not specifically designed or modified for the Shuttle may be controlled either under the ITAR or under the jurisdiction of the Export Administration Regulations (EAR) administered by the Department of Commerce.

Noncompliance with U.S. export control laws and regulations can result in significant civil and criminal penalties. The NASA Export Control Program has responsibility for ensuring NASA compliance with the ITAR and EAR.

B. Demilitarization

NASA is required to follow Department of Defense (DoD) Demilitarization (DEMIL) procedures contained in the Defense Materiel Disposition Manual, DoD 4160.28-M-1 (http://www.dtic.mil/whs/directives/corres/pdf/416028m_v01.pdf) when disposing of items owned, procured by, or under the control of the DoD. DEMIL procedures are designed to mitigate risks of releasing DoD property from DoD control. It is part of a risk management process used to deny an adversary access to items that have an inherent offensive or defensive military capability as well as deny access to technical information about the items' design, construction, capabilities, and use. DoD applies DEMIL codes to every item or technical data acquired for military applications if such items are subject to the ITAR or EAR. DoD DEMIL codes are assigned based on the USML category and subparagraph category of an item. DoD DEMIL coding is explained in DOD 4160.28-M-1.

C. Special Handling

For all other USML items acquired by NASA that are not owned, procured by, or under the control of the DoD, NASA will determine its own special handling requirements when disposing of the items. In addition to the USML items, militarily sensitive technologies may also require special handling. Militarily sensitive items include: night vision goggles and technology; remote sensing equipment, such as hyperspectral and SAR imagers; space-qualified, cooled IR-Detectors; guidance, navigation, and control systems; attitude control systems; autonomous capabilities systems; propulsion systems; launch vehicle and spacecraft antennas, such as phased array and beam-forming antennas; optical cross-links and laser communications; power generation systems, including high efficiency solar cells and panels; radiation hardened micro-electronic circuits; and systems engineering knowledge. Consult the Center Export Administrator (CEA) as required.

NASA's goal in setting special handling requirements for property is the same as DoD's—to mitigate risks to national security associated with the release of property from NASA control. At the same time, special handling will be accomplished in a manner that **preserves, so far as possible, any civilian use or commercial value of the property.**

There are four broad categories of special handling for export controlled property:

(1) **Complete Destruction** by mutilation to the point of scrap, melting, cutting, crushing, breaking, punching, neutralizing, etc. The objective is to alter the item to the point that technical details of its design and construction not already in the public domain cannot be determined by examining the physical remains.

(2) **Render Unserviceable** by key point destruction. The objective is to preclude restoration or repair of the item to a usable

condition for its original intended purpose. The originating NASA activity will comply with section 3.2.7 of NPR 4300.1 and may consult the Item Technical Manager or responsible Technical Authority for specific special handling instructions to render the item unserviceable.

(3) Special handling instructions will accompany the item when it is reported as excess.

(4) No Special Handling Required

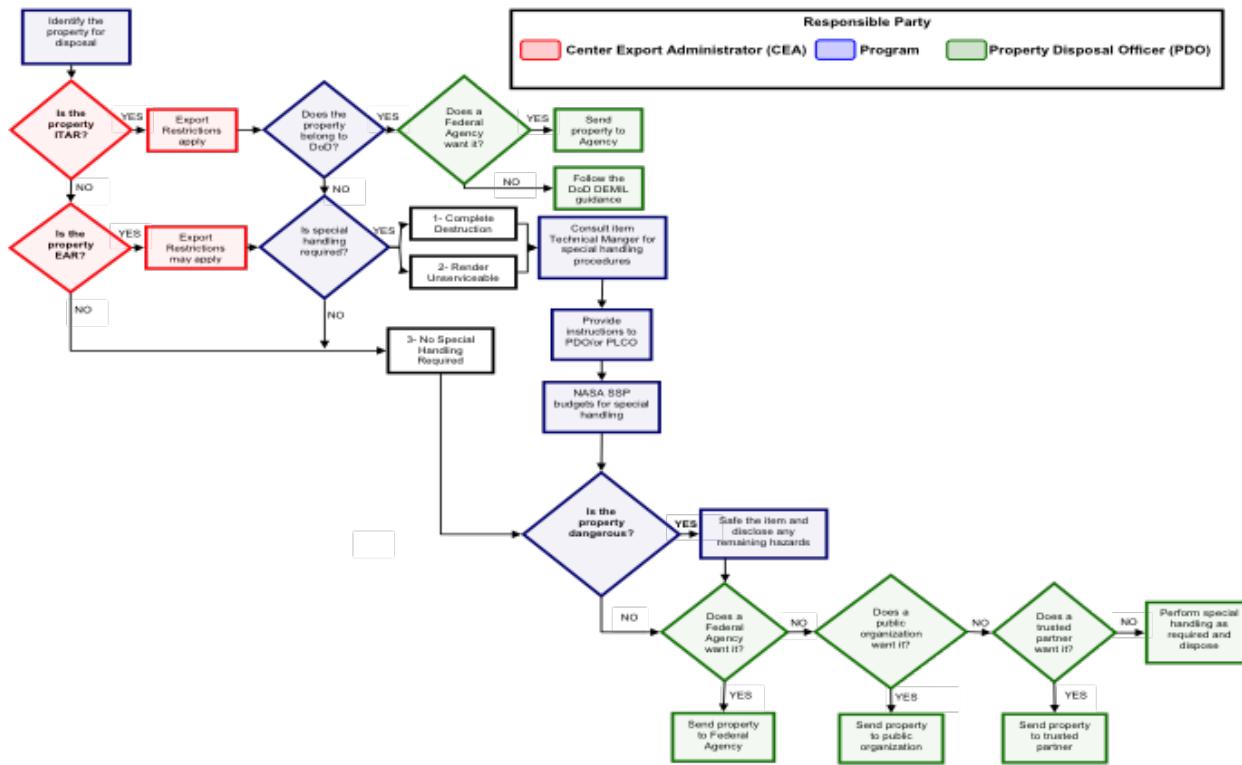


Figure C-1. Special Handling Requirements Planning Process (Notional)

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